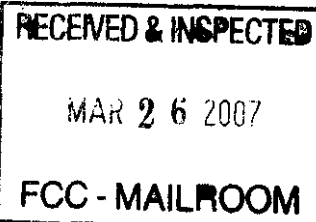


FCC, Office of Secretary
445 12th Street SW
Washington, DC 20554
Fax: 202-418-0187
February 14, 2007

0001 - 1 FILE COPY OF -

**CC Docket No. 02-6**

Re	Applicant Name:	Mary Queen of Martyrs
	Billed Entity Number	61289
	Form 471 Application Number	497760
	Funding Request Number(s)	1399062, 1399109
	Correspondence Dated	January 22, 2007
	Decision on Appeal	Denied

Mary Queen of Martyrs is appealing the appeal dated January 22, 2007 based on a typographical error (see attachment A). On September 28, 2006 a letter was sent to USAC stating that Mary Queen of Martyrs had a verbal agreement with Todd Gilbert of dot.23 as of October 1, 2006 (see attachment B). This letter should have stated that the verbal agreement started October 1, 2005. The evidence to support the 2005 date is as follows.

- 1 an invoice from dot23 dated 11-4-2005 for Form 470 preparation for 2006-2007 funding year (see attachment C) This invoice is dated 9 days after the 470 form was filed (October 26, 2005).
- 2 proof of payment for services rendered in the form a check from the Mary Queen of Martyrs Parish Business Office (see attachment D)

This evidence clearly supports the fact that an agreement between dot.23 and Mary Queen of Martyrs was in effect prior to October 26, 2005, the Sling date for Form 470 (311190000547360)

Again, the letter submitted for appeal from the principal of Mary Queen of Martyrs, should have stated 'October 1, 2005.'

Therefore, we respectfully request that the denial of our appeal be reversed
Thank you

Sincerely,



Barbara O'Donnell
Principal
Mary Queen of Martyrs

No. of Copies rec'd 0
List ABCDE

FORM A

Barbara O'Donnell
Mary Queen of Martyrs
5140 N 55th Street
Milwaukee, WI 53218-4210

Billed Entity Number: 61289
Form 471 Application Number: 497760
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

January 22, 2007

Todd Gilbert
Dot.23
3404 Anderson Drive
Eau Claire, WI 54703

Rc: Applicant Name: **MARY QUEEN OF MARTYRS**
Billed Entity Number: **61289**
Form 471 Application Number: **497760**
Funding Request Number(s): **1399062, 1349109**
Your Correspondence Dated: **November 15, 2006**

After thorough review and investigation of **all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.**

Funding Request Number(s): **1399062, 1399109**
Decision on Appeal: **Denied**
Explanation:

- After thorough review **of** the appeal and the **relevant** facts and documentation, it **was** determined that consultant services **were rendered prior to the signing of a consulting agreement or a Letter of Agency, authorizing the consultant to act on the entity's behalf. In response to the SRIR, you submitted a copy of the consultant agreement on June 8, 2006. The letter of agency was entered into on November 15, 2005, and the agreement states the consultant was authorized to file the Form 470 on behalf of the school. The entity's Form 470 (application number 311190000547360) was filed by you on October 26, 2005. The consultant LOA must be signed and dated before the first action is taken by that Consultant on your behalf. See <http://www.usac.org/sl/tools/reference/letters-of-agency.aspx> for further details. Consequently, the funding requests were denied for violation of the competitive bidding requirements. On appeal, you submit documentation from**

the **Principal of Mary Queen of Martyrs** stating that they had a verbal agreement with you as of October 1, 2006 (which is still after the posting of the Form 470). Therefore, appeal is denied.

- FCC Rules require that FCC Forms **470** and **471** be signed by a **person** authorized to order telecommunications and other supported services for the eligible entities and certify under oath to all the required certifications. 47 C.F.R. secs. 54.504(b)(2), 54.504(c)(1). The authorized person **certifies** on the **Form 470** and **Form 471** that he or she is the person authorized to submit and certify to the accuracy of the applications. **See** Schools and Libraries Universal Service, Description of **Services** Requested and Certification Form 470, OMB 3060-0806, Block **5** and Schools and Libraries Universal Service, Services Ordered and Certification Form 471, OMB 3060-0806, Block **6**. Consultants or other signers **who are not employees of the Billed Entity** must have a Letter of **Agency** from the applicant affirming that they are authorized to represent the applicant. **See** Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 and the Reference **Area** at our website, www.usac.org/sl. Additionally, the **FCC** has stated that, if consultants are involved, beneficiaries must retain signed copies of all written agreements with E-rate consultants. **See** Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rd 15808, 15824-26, FCC 04-190 para. 4X (rel. Aug. 13, 2004).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the **FCC**. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the **FCC**. You should refer to CC Docket No. 02-6 on the first page of your appeal to the **FCC**. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: **FCC, Office of the Secretary**, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the **FCC** can be found in the "Appeals Procedure" posted in the Reference **A** in the **SLD** section of the **USAC** website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Mary Queen of Martyrs


5140 North 55th Street
Milwaukee, WI 53218
(414) 438-2745 Fax (414) 438-9330

FORM B

September 28, 2006

As of October 1, 2006, we had a verbal agreement with Todd Gilbert, dot.23. This was prior to our Form 470 submission.

Barbara O'Donnell

A handwritten signature in black ink that reads "Barbara O'Donnell". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

**Principal
Mary Queen of Martyrs**

dot.23

"You're Funding Source"

INVOICE

FORM C

2813 Terry Lane
Eau Claire, WI 54703
Phone (715) 379-2892 Fax (715) 552-2785

INVOICE #120
DATE: NOVEMBER 4, 2005

T O
Pat Schroeder
Mary, Queen of Martyrs
5140 N. 55th St.
Milwaukee, WI 53218
414-438-2745

FOR:
Form preparation

DESCRIPTION	AMOUNT
Form 470 preparation far 2006-2007 funding year	90.00
TOTAL	90.00

Make all checks payable to Todd Gilbert

Payment is due within 30 days.

If you have any questions concerning this invoice, contact Todd Gilbert, 715-379-2892, tgilbert@dot23.com

Thank you for your business!

MARY QUEEN OF MARTYRS SCHOOL

FORM D

3344

Vendor: dot. 23

Date: 11/16/2005

Amount: 90.00

For: INV# 120

INVOICE INVOICE

INVOICE

INVOICE DIST.

DIST.

DATE NUMBER

DESCRIPTION

AMOUNT ACCOUNT

AMOUNT

11/16/2005

INV# 120

90.00

form 470 funding 06-07

34-4340

90.00

THIS CHECK IS VOID IF IT HAS A MICR LINE OR A MICR LINE PAPER

MARY QUEEN OF MARTYRS SCHOOL

FIRST BANK N.A.

3344

6408 WEST VILLARD AVENUE

MILWAUKEE, WI 53218

12-2700

DATE

AMOUNT

11/16/2005

90.00

PAY TO THE ORDER OF NINETY DOLLARS AND NO CENTS

dot. 23

28034 Terry Lane

Evanston, WI 54703

For: INV# 120

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

#003344# 10750000221

754824175#

MARY QUEEN OF MARTYRS SCHOOL

3344

Vendor: dot. 23

Date: 11/16/2005

Amount: 90.00

For: INV# 120

INVOICE INVOICE

INVOICE

INVOICE DIST.

DIST.

DATE NUMBER

DESCRIPTION

AMOUNT ACCOUNT

AMOUNT

11/16/2005

INV# 120

90.00

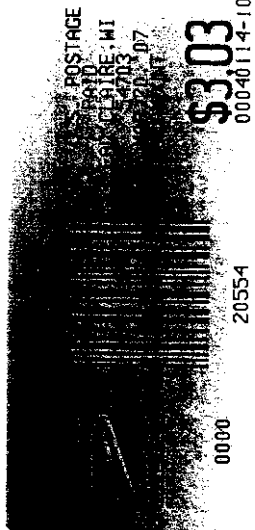
form 470 funding 06-07

34-4340

90.00



7005 3110 0000 487 9245



\$3.03
00040114-10

3404 Anderson Drive
Eau Claire, WI 54703

Route
Tina
 Delivery Point
TW-B204
 03/26/07
 12:20:55

OMD
 PO# TODD GILBERT
 Sdr 70053110000004879245

 W10200534X

RECEIVED & INSPECTED
 MAR 26 2007
 FCC-MAILROOM

FCC, Office of Sec Star W
 445 12th St SW
 Washington DC 20554

TE